

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
January 19, 2012

In the Matter of BOURGEOIS/MARTIN, Minors.

No. 305452
Oakland Circuit Court
Family Division
LC No. 09-754445-NA

Before: JANSEN, P.J., and WILDER and K. F. KELLY, JJ.

MEMORANDUM.

Respondent Z. Bourgeois appeals by right the circuit court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (j), (k)(iii), and (l). We affirm.

The circuit court did not clearly err by finding that the statutory grounds for termination set forth in §§ 19b(3)(j) and (l) had been established by clear and convincing, legally admissible evidence. MCR 3.977(E)(3) and (K); *In re Utrera*, 281 Mich App 1, 16-17; 761 NW2d 253 (2008). Respondent's parental rights to another child, AB, were involuntarily terminated in 1997. Respondent's other child, MB, tested positive for marijuana at birth. On the basis of respondent's drug use and the prior termination, the court found in an earlier proceeding that there were statutory grounds for termination, but declined to find that termination was in the child's best interests and allowed respondent to participate in reunification services. Respondent then participated in services, MB returned home under court supervision in April 2010, and the court terminated its jurisdiction over MB in March 2011. Less than a month later, respondent's child CB tested positive for marijuana at birth, yet respondent denied using the drug.

The evidence of respondent's continued drug use, despite prior efforts at substance abuse treatment, and the undisputed evidence that respondent's parental rights to AB were terminated in December 1997 after child protective proceedings were initiated, supported the circuit court's finding that the statutory grounds for termination set forth in §§ 19b(3)(j) and (l) had been proven by clear and convincing evidence. Because only one statutory ground for termination need be proven, *In re CR*, 250 Mich App 185, 207; 646 NW2d 506 (2002), any error in the circuit court's reliance on §§ 19b(3)(g) and (k)(iii) as additional grounds for termination was harmless, *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Further, considering respondent's inability to become a responsible parent, the older child's need for stability, and the absence of any bond between respondent and the younger

child, the circuit court did not clearly err by finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); MCR 3.977(K).

Affirmed.

/s/ Kathleen Jansen
/s/ Kurtis T. Wilder
/s/ Kirsten Frank Kelly